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**PAPERS FROM THE VIRGINIA STATE AUDITOR'S  
OFFICE, NOW IN THE STATE LIBRARY**  
(Continued)

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MINUTES OF COUNCIL, 1697

At a Council held at James City y'e 11th of June 1697.

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Present His Excellency

William Byrd

Ch'r Wormeley

Edward Hill

Edm'd Jennings

Rich'd Johnson

Jn'o Lightfoot, Esqrs.

His Excellency Laying before y'e Council a Letter from y'e Right Hon'ble y'e Lords of y'e Council of Trade of y'e 27'th of August Last comanding a proclamation Issued by their Excellencies y'e Lords Justices of England for apprehending one Henry Every als. the Bridge man and divers other privateers to be published together with a Copy of y'e said Proclamation ordered that copies of the said Proclamation be Sent to y'e respective Sherrifs of the Several Counties and by them published as usual.

His Excellency Laid before y'e Council a Letter from y'e R't Hon'ble y'e Lords of Council of y'e 24:'th of September 1696 relating to the State of Virginia and a letter from y'e said Lords of y'e first of Feb'y 1696-7 relating to other matters in Virginia, as also a Letter from y'e Lords of y'e Admiralty of y'e 26'th of Jan'ry last Concerning the Impress of men for furnishing his Maj.'s Ship which were read at a Council board.

His Excellency acquainting this board that not withstanding former ord's of Council to the Contrary the Pilots at y'e mouth of James River (as he is informed in these times

of warr and danger) upon arrivall of any Ships upon y'e Coast So off to bring in y'e said Ships without Ever acquainting any of the King's Magistrates therewith ordered that before any Pilot or other persons go off to any Ship upon her arrivall he give notice thereof to the next Magistrate, and of the report of the boats Crew Sent on Shoar from the Said Ship

His Excellency was pleased to call for the List of Coroners in this Country and with the advice of the Councill Supplied the Vacant names thereof

Mr. George Williamson(1) Survey'r of Surry and Isle of Wight Counties according to order of Councill of the \* \* \* of Aprill last having Shewed a Comission under the hand and

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(1) Robert Williamson, "Doctor in Physick," was a member of the House of Burgesses for Isle of Wight County at the sessions of September, 1663, and October, 1666. On June 6, 1666 he patented 3,850 acres on Blackwater Swamp and had other grants. His will was dated Feb. 16, 1669. Legatees: Wife Jane or Joan, eldest son Robert, sons George, Arthur and Francis. Before 1672 his widow married Mr. Robert Burnett. Robert Williamson, the eldest son, probably died without issue. There is in Isle of Wight a deed, Aug. 4, 1672, from Richard [Robert] Williamson of Surry County, son and heir of Robert Williamson, of Isle of Wight County; deceased; and in the same county (Isle of Wight), in October, 1688, in inventory of the estate of Robert Williamson, a deed was presented by his brother George. George Williamson of Isle of Wight and his wife Hester, made a deed March 29, 1703, conveying land which he had inherited. The will of George Williamson of Isle of Wight (son of Dr. Robert) was dated July 31, 1723, approved October 29, 1723. His legatees were his sons George, Robert, John and Thomas, grandson John Darden and daughters Mary, Patience, Elizabeth and Juliana. A deed, about 1736, shows that Patience had married Robert Exum, Elizabeth,—Joyner, and that Joliana (unmarried) John, Thomas and George were then living. In 1736 George Williamson of Henrico (evidently the son of George who died 1723) conveyed to Arthur Crocker, 200 acres in Isle of Wight, part of 500 acres patented by Robert Williamson October 30, 1686, and on July 8, 1737, George Williamson, of Henrico, conveyed to Lewis Burwell 250 acres in Isle of Wight, part of 500 acres patented October, 1662, by Robert Williamson, uncle of the said George. One portion of this land had been sold in 1691 by George Williamson, brother of said Robert, and father of George of Henrico. It is uncertain whether George Williamson left descendants, as the later Williamsons of Henrico are stated to be descended from John Williamson, an emigrant, who was vestryman of Henrico parish from 1735 to his death in 1757. No doubt the Williamson of Isle of Wight, Southampton and adjoining counties trace to Dr. Robert Williamson.

Seal of John Smith(2) Survey'r Gen'tt and not having any wages cleared himself for taking Entries of Land in the Blackwater Contrary to instructions and orders of Councill from time to time and also taking double Entries of one and the Same parcell of Land to the great disturbance of the Inhabitants of the Said Counties and appearing otherwise a person insufficient and unqualified for Such an office and trust it is the opinion of the Councill that he be Suspended from the Said office of Survey'r and that the Trustees of y'e Colledge(3) have notice thereof.

Upon petition of John Carroll Setting fourth that Maj'r Lewis Burwell and Maj'r Arthur Allen without any Survey'r or patent to direct them Came forceably upon the pet'er Land which he hath long and peaceably injoyed and markt the trees thereupon and took y'e Same into the Said Burwelle possession disissuing(?) y'e pet'r being a poor man ordered that they the Said Burwell and Allen appear before y'e next Councill to Answer y'e Same

Cap:t Andrew Douglas Comand'r of his Maj's Ship the Harwich having represented unto his Excellency that on his voyage to Virg'a in y'e Said Ship he took a fly boat Called y'e St. Ignace belonging to y't port of Bayone in France bound thence to Newfoundland y'e master and all the Company the French King Subjects and her clearing from y'e admirall of France & brought her into James River and prayed a Spedy proceeding for condemnation accordingly and his Excellency Laying the Same before this Councill is the opinion and advise of the Councill that there being no Court of Admiralty Erected in this Government his Excellency may and ought to give Comissions under y'e Seal of the Colony appointing a Judge-Registrar Marshall and other officers necessary for the tryall of the Said Prize—

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(2) John Smith, of Gloucester County, son of Col. Lawrence Smith, was appointed to the Council 1704, Surveyor General (under appointment by William and Mary College), and died 1719-20. See *Wm. & Mary Quarterly*, IX, 42, &c.

(3) William and Mary College was given authority to appoint all surveyors in Virginia, who had, in return, to pay certain fees to the College.

The 12'th June 1697 His Excellency Present

William Byrd

Edm'd Jennings

Ch'r Wormeley

Rich'd Johnson

Edward Hill

Jn'o Lightfoot Esqrs

Nich. Spencer, Esq'r producing a commission to him granted by the Com'rs of his Maj's Customes in Lon'd dated y'e 20'th of Novemb'r Last to be Collect. in South Potoemuck River of his Maj's dues on y'e Enumerated Commodities by y'e 25'th Act of Car'2d took y'e oaths according to Law for y'e due execution of the Same—

Peter Heyman(4) Esq'r produced a Comission to him granted by the Com'r of his Maj's customs in London dated the one and twentieth of November last to be Collect'r in y'e Lower district of James River of his Maj's dues on Enumerated Commodities by y't 25'th of Car. 2 having before his Excellency taken y'e oaths according to Law for y'e due Execution of Same—

Peter Jenings(5) Esq'r producing to this board a Comission from the Principall Com'ees of y'e Prize office dated the 19'th of Novemb'r Last relating to Maryland and to Inquire after Concealments and Imbeslements of Prizes Since y'e year 1689 there, or in any other place or places—upon y'e Con-

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(4) Peter Heyman, is stated in his epitaph, formerly of Hampton, Va., to have been a grandson of Sir Peter Heyman of Summerfield in Kent. On April 18, 1692, he was appointed one of the depot postmaster-generals for the Colonies. He was killed April 29, 1700, on board the ship Shoreham in an action with a pirate in Lynnhaven Bay. See this Magazine, XI, 158, 159.

(5) Peter Jenings may have been a son of Col. Peter Jenings, born about 1631, who is stated to have "faithfully served" Charles I, was Attorney General of Virginia 1662, again appointed to that office Sept. 16, 1670, and the Council Oct. 12, 1670. He married Catherine, daughter of Sir Thomas Lunsford (she married, secondly, Ralph Wormley) and died in 1671. The following children of Peter and Sarah Jenings are recorded in the Register of Abingdon parish, Gloucester County; viz.: Philip baptized April, 1673, Elizabeth born Feb. 23, 1684, Thomas baptized Feb. 20, 1686, and Rebecca baptized May 18, 1690. The father of these children may have been the person named in the text, and may have been a son of Col. Robert Jenings; but if so, he, together with all his children must have died before 1710, as the will of Wm. Jenings of London dates that year, states that he was sole heir to Col. Peter Jenings, "Years ago deceased." See this Magazine, XIX, 188, 189.

tinient of America or Islands thereunto belonging. ordered that the Said Comission be Entered upon y'e Councill Books, and incouragement and assistance upon all ocasions Given him the Said Peter Jenings in y'e Execution and performance thereof Accordingly—

William Trevethan(6) Esq'r produceing a Comission to him granted by the Com'es of his Maj's Customes in London dated y'e 2'd day of December Last to be Survey'r of his Maj's dues on the Enumerated Comodities by y'e 25'th of Car. 2d. in the Eliz. River took y'e oaths according to law for y'e due Execution and performance of y'e Same—

His Excellency upon receipt of a letter yesterday of y'e fourth of June Instant from the Gov. of Maryland—with proceedings of a Committee of the Councill & Burgesses conformed there relating to the Piscatonay and Accokeek Indians was pleased to lay the Same then before this board—which being duly Considered. the Councill doth not understand the meaning thereof but if any miscarriage hath been by any Indians in this Government are of opinion that it ought to have been first signified to the Gov'r for orders therein before any proceedings against any Indians in this Government

His Excellency by advise in Councill was pleased to pass under his hand and the Seal of the Colony a Comission appointing Edward Hill Esq'r Judge of y'e Court of Admiralty for Tryall of the Prize St. Ignace of Bayone in France brought in by Comodor Douglas and all other matters that should be brought before him terminate y'e 18'th instant and also a Com'on to Robert Beverley Gent. appointing him Register of y'e Said Court and another to Edward Rose Gent Marshall who were all three Sworn accordingly after having taken y'e oaths to his Maj's proscribed by law and the Test

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(6) William Trevethan may have been a kinsman of Sampson Trevethan who lived for some years (1699 &c.) in Lower Norfolk County (which Elizabeth River flows through); but who in 1715 had returned to England and was living at Laragon, Penzance, Cornwall.

Monday June 14'th 1697

Present His Excellency

Wm. Byrd

Edm'd Jennings

Ch'r. Wormeley

Rich'd Johnson

Edw'd Hill

John Lightfoot

Esqs.

(File "Before 1776")

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PROCLAMATION IN REGARD TO MILITARY STORES

By His Excellency

Whereas there are remaining in y'e fower Several Garrisons, att y'e heads of y'e Great Rivers several Swords belts, Swivels, Carbines, Pistolls, Saddles, Holsters, Musquets, Long Guns, Potts & Kettles, Ammunition, Provision and other utensils, belonging to y'e Country, and forasmuch as y'e Soldiers are now disbanded, I do therefore hereby order and Command, that every respective Commander of y'e Said disbanded Garrison doo forthwith deliver or cause to be delivered to y'e Commander in Cheife of y'e Country, where such Garrisons are all Such Swords, Belts, Swivels, Holsters, Musquetts Long Guns, Pots, Kettles, Ammunition, Provision and other utensils, as are now in or did belong to y'e said Garrisons and y'e Commander of such respective County is ordered and required to receive y'e same, and to give an account thereof to me and y'e Commander of y'e said Garrisons and Every of them are hereby required to take a receipt from y'e Commander of y'e County to whom he shall deliver any of y'e armes or other things before mentioned, and y'e same to return to me, and what Provisions Shal be now in any of y'e said Garrisons and are to be delivered to y'e Commanders in Cheif of y'e Counties aforesaid, such Commanders of y'e Counties are hereby impowered to sell and dispose of y'e same, for y'e use of y'e Country and to give an account thereof to me as aforesaid.

Given under my hand this 23'd day of X'ber 1682

Thos. Culpeper

(File "Before 1776")

THE ACCOUNT OF HIS MAJESTIES REVENUE OF TWO SHILLINGS PER HOGSHEAD & ARRIVING WITHIN THIS COLONY OF VIRGINIA FROM THE 25<sup>TH</sup> DAY OF OCTOBER 1715 TO THE 25<sup>TH</sup> DAY OF APRILL 1716

The Rece'r Gen'll doth Charge himself with the Receipt of the Said Revenue as follows—

|                                                                                                                                                                                                                            |   |       |     |     |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---|-------|-----|-----|
| The Acco't of the Upper District of James River .....                                                                                                                                                                      | £ | 75.   | 0.  | 0   |
| The Acco't of the District of York River....                                                                                                                                                                               |   | 301.  | 17. | 4   |
| The Acco't of the District of Potomack River.                                                                                                                                                                              |   | 150.  | 3.  | 2   |
| The Acco't of the District of Rappahanock River .....                                                                                                                                                                      |   | 453.  | 7.  | 0¾  |
| The Acco't of the Lower District of James River .....                                                                                                                                                                      |   | 93.   | 3.  | 6   |
| The Acco't of the District of Accomack.....                                                                                                                                                                                |   | 13.   | 7.  | 6   |
| <hr/>                                                                                                                                                                                                                      |   |       |     |     |
|                                                                                                                                                                                                                            | £ | 1086. | 18. | 6¾  |
| The Acco't of Sundry Rights for Land Sold..                                                                                                                                                                                |   | 102.  | 15. | 0   |
| The Acco't of Sundry Fines and forfeitures due to His Majesty in the County of King and Queen which amounts to 700'ds Sweet-Scented Tob'o Sold at 27 <sup>8</sup> / <sub>8</sub> p'ct and 10/. Currt money of Virg'a ..... |   | 8.    | 17. | 8½  |
| Fines and forfeitures Rec'd of Philip Smith late Sherrif of Gloucester County .....                                                                                                                                        |   | 12.   | 17. | 8   |
| <hr/>                                                                                                                                                                                                                      |   |       |     |     |
|                                                                                                                                                                                                                            | £ | 1211. | 08. | 11¼ |

The Rece'r Gen'll doth also Discharge himself by the payment of the following Summs

|                                                                |   |       |    |   |
|----------------------------------------------------------------|---|-------|----|---|
| By ballance of the last Accompt.....                           | £ | 1999. | 2. | 3 |
| By half a years Salary to the Governor.....                    |   | 1000. | 0. | 0 |
| By half a years Houserent to the Governor..                    |   | 75.   | 0. | 0 |
| By half a years Salary to the Councill.....                    |   | 175.  | 0. | 0 |
| By half a years Salary to the Auditor of the Plantations ..... |   | 50.   | 0. | 0 |
| By half a years Salary to the Solicitor of Virginia .....      |   | 50.   | 0. | 0 |

|                                                                                                      |        |     |     |
|------------------------------------------------------------------------------------------------------|--------|-----|-----|
| By half a years Salary to the Attorney Generall .....                                                | 20.    | 0.  | 0   |
| By half a years Salary to the Clerks of the Councill .....                                           | 50.    | 0.  | 0   |
| By half a years Salary to the Gunner of James Towne .....                                            | 5.     | 0.  | 0   |
| By half a years Salary to the Armourer.....                                                          | 6.     | 0.  | 0   |
| By a Warrant to the Judge and Officers of the Court of Oyer & Terminer in June Last.....             | 100.   | 0.  | 0   |
| By a Warrant to Sundry Ministers attending our generall court .....                                  | 5.     | 0.  | 0   |
| By a Warrant for Listing & Transporting Souldiers to South Carolina&other Contingent Charges .....   | 186.   | 8.  | 0   |
| By Salary to the Navall Officers at £10 p'cent on £1086. 18. 6¾ .....                                | 108.   | 13. | 10¼ |
| By Salary to the Auditor at £5 p'cent £1102. 15. 1 .....                                             | 55.    | 2.  | 9   |
| By Salary to the Receiver Generall on the Same Sum .....                                             | 55.    | 2.  | 9   |
| <hr/>                                                                                                |        |     |     |
| So that the whole Sum Disbursed amounts to.£3940.                                                    | 9.     | 7¼  |     |
| And there will remain due to Enable the Receiver Generall to Discharge this Accompt the Sum of ..... | 2729.  | 0.  | 8   |
| <hr/>                                                                                                |        |     |     |
|                                                                                                      | £1211. | 8.  | 11¼ |

Nath'el Harrison D: Rec'r Gen'll

#### Certificate of the Governor and Auditor

I have carefully Examined the within accompt of His Majesties Revenue Commencing the 25'th of October 1715 and ending the 25'th of April 1716. And Compar'd Every Article with its proper voucher produced by Nathaniel Harrison Esq'r Deputy Receiver Generall, and find the charge duly Stated Amounting to One Thousand Two Hundred and Eleven pounds Eight Shillings and Eleven pence farthing

Sterling. And Likewise the Discharge of His Majesties Revenue which amounts to Three Thousand Nine Hundred and Forty Pounds Nine Shillings and Seven pence farthing Sterling for which proper vouchers have been Likewise produced by the Said Deputy Receiver Generall, So that there will remaine due to Enable the Receiver Generall to Discharge this Accompt the Sum of Two Thousand Seven Hundred & twenty nine pounds and Eight pence Sterling.

Philip Ludwell, Audit'r

The Foregoing Accompt Stated and Sworne to by the Deputy Receiver Generall Compar'd and Examined by Philip Ludwell, Esq'r Deputy Auditor I have received the Same and believe it to be a true charge and Discharge of the Revenues for the Said time—

A. Spotswood

(File "Before 1776")

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#### REPORT OF COMMITTEE ON LAWS ON TOBACCO(7)

Nov. the 14'th 1713

Att a Committee appointed to inspect & Collect all the Laws in force relating to Tobacco & to Report the Same with their Opinion therein And also to Report what Proposals they think may be for the Improvement & advantage of the Tobacco Trade

Present Mr. Holloway Mr. William Robinson Mr. Chris: Robinson Mr. Buckner

The Committee did Inspect the Act of Assembly made at a Gen'l Assembly begun at James City the 24'th day of September in the year 1696 Intitled an Act for the better

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(7) The tobacco act passed at the session of Assembly of November, 1713, appears in *Hening* (IV, 37) only by its title. On the margin is a statement that it was repealed by proclamation November 12, 1717. In this instalment is printed a summary of former laws on the subject, and in the next will be given the bill proposed by the Committee. The Journal shows that the Committee was composed of John Holloway, William Robinson, Christopher Robinson and William Buckner. On Nov. 23d a bill was reported, and on the 26th the bill with several amendments, was passed. On the last day of the session it was approved by the Governor. All tobacco legislation is an important part of our history, and this act is preserved nowhere in this country.

Support and Maintenance of the Clergy in which Sd. Act amounghst other things it is Enacted in the words or to the effect following

That all & Every Minister & Ministers in all & Every parish & parishes in this Dominion incumbent in Sd. Parish or Parishes & therein officiating as Minister or Ministers Shall have & receive for his or their maintenance the Summ of Sixteen thousand pounce of Tobacco besides their lawfull perquisites and that it Shall and may be lawfull for the vestry or vestrys of any Parish or Parishes & they are by virtue of this Act authorized & impowered to raise & Levy the Same in their respective parish or parishes as also to Levy five per cent for the collecting and paying the Sd. Tobacco convenient And that it Shall and may be lawfull for the vestry or vestrys of all and Every parish or parishes to appoint the Church Wardens or whom they think fitt to collect & receive the Ministers or other Parish dues & the Sd. person or persons So qualified as aforesd Shall be & are impowered in case of non payment to make Disstress for the Same

And also an Act made at a Generall Assembly begun at the Capitol the twenty third day of October in the year 1705 Intitled an Act concerning the Collection of the publick & County Levys & for the better payment of the Same to the Respective Creditors therein concerned in which Sd Act amounghst other things it is Enacted in the words or to the Effect following That the Court of Each County Shall admitt the Sherriff before any other person to collect the publick and County Levys provided he will give bond with Security in double the Summ the Levys amount to honestly to collect & pay the Same to the respective Creditors & on failure to give Such bond the Sd Court may committ the collection of the Sd Levys to any other person who will give Such bond

That the Sherriff or other Collector Shall allow Eight per cent for Cash of all Levys & Secretarys Clerks, & Sherriffs Fees received in Cask under the penalty of One hundred

pounds of Tobacco for Every Eight pounds of Tobacco due for Cask which he Shall refuse to allow

That no Sherrieff or Collector Shall Seize any hogshead of Tobacco paid away & marked if other good Tobacco Sufficent to pay the Levys or fees be offerd him. That if any Sherrieff or Collector shall seize a hogshead of Tobacco in which there shall be more than will satisfie the debt distrained for he shall let the debtor take out the overplus or make him immediate satisfaction for the same That if any Sherrieff or Collector hath a demand for Levys of any Publick or County Creditor he Shall discount that Credit in the first place without any allowance for the Same

That Every Sherrieff or Collector Shall pay the publick & County Levys to the respective Creditors before the Court day held in March next after the Collection put into his hands or on failure thereof upon complaint to the Court Such Creditor Shall have Judgment with Costs against Such Sherrieff or Collector & his Surety for what Shall be due But if the Complaint be made to any Court Succeeding March Court & the Sherrieff be absent he Shall be ordered to answer this complaint at the then next Court wherein if he fail Judgment Shall be granted as aforesd That if the Sherrieff or Collector Shall give ten days notice to any publick or County Creditor that the Tobaco to him due is readdy & Such Creditor Shall neglect or refuse to receive the Same the Sherrieff or Collector Shall then have liberty to make a tender of Such Tobacco to Such Creditor according to Law

And also one other Act made at the Same Assembly at the Capitol Intitled an Act for improving the Staple of Tobacco & for Regulateing the Size & Tare of Tobaco Hogsheads in which Sd Act amounghst other things it is Enacted in the words or to the effect following

That if any person tends any Seconds for Tobacco he Shall forfeit 500<sup>L</sup> of Tobacco for every Tithable upon the Plantation where Such Seconds are tended And if the Plantation be under the care of an Overseer who is free he Shall pay the penalty That all Tobaco Shall be fairly packed of equal

goodness in every part without trash and if any person Shall pay away or put to Sale or offer to pay away or put to Sale any hogshead of Tobacco otherwise packed he Shall forfeit for every hogshead 1000'L of Tobacco

That when a Suit Shall be brought for false packeing of Tobacco the Court Shall appoint two or three Skillfull men to view the Sd tobacco & their report upon oath Shall be good Evidence in the Tryall That five pounds weight & no more be allowed in one hogshead for Sand dust & mean Tobacco

That if any Creditor Shall omitt to demand or receive a Tobacco Debt by the last of January the Debtor may at any time in February apply himself. or two Justices to make a tender of the Tobacco he owes which Justice Shall appoint three Neighbours on their oaths to view the Tobacco who if they find it merchantable & fairly packed Shall weigh & mark the Same for the use of the Creditor at whose hazard it Shall afterward lye & upon produceing a Certificate from the Sd Justice of the Sd tender to the next Court the Debtor Shall be discharged from the Sd Debt Provided the tender was made according to Specialty & that the Debtor Endeavour to preserve the Tobacco as if it were Still his own That the Debtor Shall pay the charge of the Tender And that Each viewer Shall be paid twenty pounds of Tobacco for Every day that the Buyer or Receiver of Tobacco in Cask Shall take the Same at the Tare thereon Sett & allow thirty pounds of Toboco for Each hogshead notwithstanding any bill bond or contract Expressing the Same to be paid with cask on penalty of 150'L of tobacco

That Lessees paying rent in Tobacco may be obliged by agreement to pay Cask That the Sherriffs & Collectors of publick dues Shall allow for all publick Tobacco paid in hogsheads to the person paying the same Eight per cent for Cask instead of the thirty pounds of Tobacco per hogshead

And on due consideration of the Sd Acts are of opinion That the Laws now in force relating to Tobacco are not Sufficient for the improvement & Advantage of the Tobacco Trade And that the method now Established by Law for

discharging Debts is Subject to many frauds & Abuses not provided against by any Law

And the Com'tee haveing duly Considered the Low State of the Staple Comodity of this Colony occasioned by the carelessness & deceit of the Planters & by the negligence & fraud of the Receiver thereof by which the reputation of the Virginia Tobacco both at home & abroad is allmost lost And the credit of the Country in Generall ruined for this raiseing & retrieveing whereof & for the better preventing the frauds & Regulateing the Abuses in the Tobacco Trade Do in obedience to the Order of this House humbly Propose

(To be continued)